



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

Ernie Fletcher
Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING November 14-15, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT
Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 1:00 p.m., Wednesday, November 14, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 2:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday November 14, 2007, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Ron Barbato to come out of closed session, seconded by Ron Barbato. All in favor 2/0. The committee meeting adjourned at 4:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Thursday, November 15, 2007, at the Board office. A quorum was present.

Motion was made by Peggy Block, seconded by Kristie Cochrane to approve the minutes as amended of the September 20, 2007, Board Meeting. Motion carried.

Complaint Committee

The Court of Appeals ruled unanimously in favor of the Board in the lawsuit, *Kentucky Board of Physical Therapy v Dubin Orthopaedic Centre, P.S.C.* regarding violations of the term protection provisions of KRS Chapter 327. *Dubin Orthopaedic Centre, P.S.C.* filed a Discretionary Review to the Kentucky Supreme Court.

C2006-20 Case is ongoing.

C2007-01 *KSBPT v. Ron Cole, PT* - Hearing is scheduled for January 29-30, 2008, at the Board office.

C2007-06 Case is ongoing

C2007-30 Case is ongoing.

C2007-31 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Jason Freeman Moss, D.C., Occupational Kinetics. The Board approved the recommendation, seconded by Margaret Blain. All in favor 4/0. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-34 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Jennifer Morse, Bluegrass Equine Physical Therapy, LLC. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-35 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-36 Case is ongoing.

C2007-37 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order and Notice of Immediate and Temporary Suspension of Kentucky License. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the following 38 Settlement Agreements that were signed and dated involving continued competency violations. The recommendation was seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

CE2007-63	Colby M. Allen, PT-004774	CE2007-78	Melissa Johnson, PT-004684
CE2007-40	Michelle Boeglin Hoffman, A02193	CE2007-52	Angela J. Kelly, A01085
CE2007-65	Dwight Allan Boles, PT-003699	CE2007-53	Joey Leigh Kelso, A01616
CE2007-68	Kenneth William Chatman, PT-003622	CE2007-80	Janelle Marsh, PT-004905
CE2007-42	Donna S. Cole, A01949	CE2007-56	Angela Sue Meek, A01615
CE2007-43	Rebecca Copass, A00350	CE2007-81	Patrick A. Meeker, PT-003533
CE2007-69	Kevin C. Covington, PT-002424	CE2007-82	Judith W. Meyer, PT-001111
CE2007-44	Jacqueline M. Cox, A00747	CE2007-84	James T. Mills, PT-002543
CE2007-45	Rodolfo Tom Dorantes, A02228	CE2007-85	Gina Cecilia Morris, PT-005025
CE2007-70	Cheryl Durant, PT-004680	CE2007-87	Richard Mulcahey, PT-001191
CE2007-72	Kerry M. Fox, PT-001899	CE2007-57	Shanna Ramey, A01101
CE2007-73	Nicole L. Fry, PT-004231	CE2007-90	Tracey L. Reinecke, PT-004051
CE2007-47	Donna Harris, A02016	CE2007-91	Brenda Robertson, PT-002193
CE2007-48	Robert Nathan Holm, A00663	CE2007-92	Margaret S. Schulte, PT-000703
CE2007-49	Robert Lee Hoster, A01076	CE2007-59	Walter Stephens, A01534
CE2007-75	Rebecca L. Huber, PT-004916	CE2007-60	LaDonna Umstead, A00649
CE2007-50	Kathy R. Huffine, A00117	CE2007-93	Melissa Veneracion, PT-003911
CE2007-76	Regina Diane Hughes, PT-001929	CE2007-61	Barry D. Walker, A00589
CE2007-51	Angela Jeffries, PTA- A01839	CE2007-95	Jason Zeitz, PT-004951

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Show Cause Order to CE2007-38, CE2007-39, CE2007-41, CE2007-46, CE2007-58, CE2007-62, CE2007-64, CE2007-79, CE2007-83 and CE2007-88. Settlement Authority was given to Board Counsel. Hearing date has been scheduled for January 17, 2008. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

CE2007-105 The Complaint recommended to the full Board to file a Notice of Administrative Hearing and Order who failed to comply with the continued competency audit after the Board granted a six month extension. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-96 Case is ongoing.

C2007-97 Case is ongoing.

C2007-98 Case is ongoing.

C2007-99 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-101 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-102 A, B, C, D, and E - Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit to chiropractic offices A, B, C, and D. Office E did not show evidence of a violation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-103 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

BIC2007-104 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation upon evidence associated with C2007-06. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Troy Grubb recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT. Troy Grubb was appointed as monitor for Mark Portaro, PT.

Board and Administrative Business

A motion was made by Troy Grubb, seconded by Ron Barbato, to approve an ACE award to Donna Sims in the amount of 10% of the midpoint range for her pay grade. Agency Revenue Funds are available. Motion carried.

The Board reviewed a letter from Angela Jeffries, PTA regarding her concerns with the Continued Education requirements.

A motion was made by Troy Grubb, seconded by Margaret to revise 201 KAR 22:020 Section 2(3) to reduce the HIV/Aids requirement from four to two hours for initial licensure.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the 2008-10 Budget and the year-to-date financial statement.

The revisions to KRS 327 were reviewed with Bob Sellin, KPTA president. Bob will present the revisions to the KPTA Board, as well as Leigh Ann Thacker, KPTA lobbyist, to get their approval to go forward to the 2008 Legislative Session.

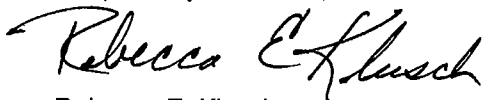
A motion was made by Kristie Cochrane, seconded by Peggy Block, to approve Margaret Blain, Debra Turner and Becky Klusch to attend the FARB meeting in Santa Fe, New Mexico, January 25-27, 2008. Motion carried.

The CAPTSA seminar is scheduled for January 25-26, 2008, in Lexington, Kentucky. Board members who have not previously attended are encouraged to attend.

Board meetings for 2008 have been scheduled for the following dates:
January 17, March 13, May 15, July 17, September 25, and November 20.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:15 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, reading "Rebecca E. Klusch". The signature is written in a cursive, flowing style.

Rebecca E. Klusch
Executive Director



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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING September 19-20, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 11:00 p.m., Wednesday, September 19, 2007, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Ron Barbato to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 1:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 1:30 p.m., Wednesday September 19, 2007, at Board Office. Motion was made by Debra Turner to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. All in favor 2/0. Motion was made by Debra Turner to come out of closed session, seconded by Troy Grubb. All in favor 2/0. The committee meeting adjourned at 3:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Thursday, September 20, 2007, at the Board office. A quorum was present.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the August 15, 2007, Special Board Meeting. Motion carried.

Complaint Committee

Mark Brengelman reported on *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-20 Case is ongoing.

C2007-01 KSBPT v Ron Cole, PT - Hearing is scheduled for October 10-11, 2007, at the Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, KY.

C2007-06 Case is ongoing

C2007-23 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 Case is ongoing.

C2007-31 Cease and Desist Affidavit is pending.

C2007-33 KSBPT v Carah Dawe, P.T., *Conditional Reinstatement of License and Settlement Agreement* has been signed and previously approved by the Board.

C2007-34 Cease and Desist Affidavit is pending.

C2007-35 Case is ongoing.

C2007-36 Case is ongoing.

C2007-37 Case is ongoing

Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the following eight Settlement Agreements that were signed and dated involving continued competency violations: CE2007-54 Thomas McGinnis, PTA, CE2007-55 Michael McGuirk, PTA, CE2007-71 Kevin Fitzgerald, PT, CE2007-74 Casie Hendon, PT, CE2007-77 Lawrence Humphrey, PT, CE2007-86 Karen Motimaya, PT, CE2007-89 Laura Reagan, PT, C2007-94 Ahmed Yousef, PT. The recommendation was seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

CE2007-66 A motion was made by Peggy Block, seconded by Troy Grubb, to issue a Private Admonishment for failure to meet the requirement of 201 KAR 22:045 in a timely manner for this credential holder who was on active military duty under deployment during some of the period of time of the renewal cycle. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-67 A motion was made by Peggy Block, seconded by Troy Grubb, to issue a Private Admonishment for failure to meet the requirement of 201 KAR 22:045 in a timely manner for this credential holder who was on active military duty under deployment during some of the period of time of the renewal cycle. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-96 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-97 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the

recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-98 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to issue a Cease and Desist if a violation of KRS 327.020(3) is found. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-99 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Cease and Desist if a violation of KRS 327.020(3) is found. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-100 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-101 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

Update on Monitoring Probations

The Board directed the Executive Director to send a copy of the October 24, 2006, *Order of the Board* to Malton Schexneider to reiterate the conditions of his probation and the requirements to reinstate his license.

A motion made by Ron Barbato, seconded by Troy Grubb, to grant a reinstatement to Michelle McBride, PTA, after a favorable review as determined by the Executive Director and a Board member of the following items: "Evaluation Form to Assess Physical Therapist Assistant Skills" form completed by two previous employers and certified copies of the performance reviews from employer for the past three years. Motion carried.

Update on monitoring probations were given for the following with approval: Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

Board and Administrative Business

The Board reviewed the email from Cherie Page, PT, regarding Medicare visits and treatment units. The Board concluded that this procedure is not addressed in the laws governing the practice of physical therapy as contained in KRS Chapter 327. 201 KAR 22:053 Section 1(1) states that a physical therapist shall practice within the scope of the credential holder's training, expertise and experience. Furthermore, KRS Chapter 327 does allow the Board to take disciplinary action for violations involving the billing of physical therapy treatment.

Shannon Pardue, PT, requested clarification if school children were placed on a "consult" list, would the 90 day reassessment continue to be applicable. 201 KAR 22:053 § 4 (j) *Reassessing every ninety (90) days, with the physical therapist assistant present, patients in: 2. A school system.* The Board concluded that this law does apply when a physical therapist is called in for consultation and the 90 day period has passed.

Jeff Spence, PT, wrote a letter to the Board asking if it is within the scope of practice for a physical therapist or physical therapist assistant to address patient medication alarms and restart medication fluids during the usual course of the physical therapy treatment session. Kentucky law KRS 327.010 defines the practice of physical therapy to include, in relevant part: *"The use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals . . . encompassing . . . invasive or noninvasive procedures...as it relates to physical therapy."* This service is not within the scope of the practice of physical therapy. Therefore, nothing in our law would disallow the service described above as long as the credential holder is trained and competent to do these procedures.

A motion was made by Troy Grubb, seconded by Ron Barbato, to approve a \$10,000.00 salary adjustment to the Executive Director, Becky Klusch, for exceptional, long-term service to the Board as its agency head. Agency Revenue Funds are available, and the Chair will assist in drafting correspondence to the Personnel Cabinet making the request. Motion carried.

A motion was made by Kristie Cochrane, seconded by Peggy Block, to approve the revisions of 201 KAR 22:045 regulations for Continued Competency requirements and procedures effective for the current renewal cycle. Motion carried.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

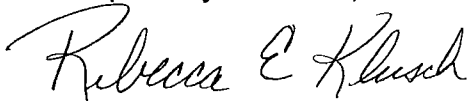
Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

The year-to-date financial statement was deferred to next scheduled Board meeting.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:00 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director



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Rebecca E. Klusch
Executive Director

MINUTES OF SPECIAL MEETING August 15, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Peggy Block, PT
Troy Grubb, PT
Margaret Blain, PT
Board Staff: Becky Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Board Members Absent: Kristie Cochrane, PT

A Special Meeting of the Kentucky State Board of Physical Therapy was called to order by Debra Turner, Chair, at 9:00 a.m., Wednesday, August 15, 2007, at The Hyatt Place, Louisville. A quorum was present.

Motion was made by Peggy Block, seconded by Margaret Blain to approve the minutes as amended of the July 18, 2007, Board Meeting. Motion carried.

C2007-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Robin R. McWhorter, PTA*. The Board approved the recommendation, seconded by Peggy Block. The motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-33 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open investigation and Issue a Conditional Reinstatement of License and Settlement Agreement with specific settlement authority given to Board Counsel. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-34 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist. The Board approved the recommendation, seconded by Margaret Blain. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-35 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-36 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-37 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue an Order of the Board for three random drug screens within sixty days. The Board approved the recommendation, seconded by Troy Grubb. The motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

A monitoring report on Shayne Ferguson, PT, was given by Margaret Blain.

The Board review a question from Leslie Lindsay, PT, regarding whether a physical therapist or physical therapist assistant may bill for casting as a service to a physician, without performing an evaluation. 201 KAR 22:053 §2 states that a physical therapist shall: *(2) Evaluate each patient: (a) Prior to initiation of any treatment.* In order to bill for the casting, an evaluation shall be performed set forth in 201 KAR 22:053 § 5 and the casting would be part of the Plan of Care.

The Board reviewed a question from Christi Funkhouser, PT, regarding whether a physical therapist was bound by the Practice Act to treat a patient that had been previously discharged and was given a written order for more physical therapy. 201 KAR 22:053 §2 states: *(2) a physical therapist shall evaluate each patient ... (c) if requested by a referring professional.* A physical therapist also determines whether developing a treatment plan is appropriate as stated in KRS 327.070 §1 (2)(b) *Continue physical therapy services beyond the point of reasonable benefit to the patient, unless the patient consents in writing.*

Ron Barbato made a motion to adjourn at 10:30 a.m., seconded by Margaret Blain. The motion carried.

The Board approved the Summer, 2007, Newsletter as amended. The motion carried.

Respectfully submitted,

Rebecca E. Klusch
Executive Director



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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING July 17-18, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochran, PT
Margaret Blain, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Tuesday, July 17, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 5:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 5:30 p.m., Tuesday, July 17, 2007, at Board Office. Motion was made by Debra Turner to go into closed session per KRS 61.810(1) (c) and (j), seconded by Ron Barbato. All in favor 2/0. Motion was made by Debra Turner to come out of closed session, seconded by Ron Barbato. All in favor 2/0. The committee meeting adjourned at 7:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Wednesday, July 18, 2007, at the Kentucky Board of Nursing. A quorum was present.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the May 17, 2007, Board Meeting. Motion carried.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the June 19, 2007, Special Board Meeting. Motion carried.

Complaint Committee

Mark Brengelman reported on *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-20 Case is ongoing.

C2007-01 Notice of Administrative Hearing and Order has been filed. Hearing is scheduled for October 10-11, 2007.

C2007-03 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 Case is ongoing

C2007-08 An Amended Order and Notice of Immediate, Temporary Suspension was issued and conditions were met and has been temporarily reinstated. Settlement Agreement is pending.

C2007-19 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-20 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-23 Case is ongoing.

C2007-25 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Peggy Block. Ron Barbato recused from voting. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-27 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-28 Teresa Oakley, PTA - *Preliminary Denial of Reinstatement of Licensure and Settlement Agreement* was signed and all conditions were met for Reinstatement.

C2007-29 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close the case due to insufficient evidence to support a violation of KRS 327 but to write a letter informing her that a disclaimer is in order before the video is shown to state that she is not a physical therapist and that physical therapy shall only be performed by a licensed physical therapist. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order and Notice of Immediate and Temporary Suspension of Kentucky License. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-31 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-32 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327 and to forward the complaint to the Athletic Trainer Board.

The Complaint Committee recommended to the full Board to file a Notice of Administrative Hearing and Order against each credential holder who has failed to comply with the continued competency audit. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

The Complaint Committee recommended disciplinary action for all non-compliance of continued competency as follows: Continued Competencies deficiencies shall be disciplined by the Board with a \$250.00 costs plus a fine of \$20.00 per hour of deficiency for Physical Therapy Assistants and \$30.00 per hour of deficiency for Physical Therapists. Board approved the recommendation for this settlement authority, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

A motion was made by Ron Barbato, seconded by Peggy Block, to deny Charles Buster's request for termination of the remainder of his probationary period and monitoring due to the Settlement Agreement having no provision for an early termination. All in favor 4/0.

Board and Administrative Business

The Board reviewed the email from Courtney Siler regarding a physical therapist using ultrasound imaging in their practice as a tool for biofeedback or Neuromuscular re-education. This procedure is not addressed in the laws governing the practice of physical therapy in Kentucky as contained in KRS Chapter 327. 201 KAR 22:053 Section 1(1) states that a physical therapist shall practice within the scope of the credential holder's training, expertise and experience.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

The Board reviewed and approved the year-to-date financial statement.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:00 p.m. Motion carried.

Respectfully submitted,

Rebecca E. Klusch

Rebecca E. Klusch
Executive Director



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

Ernie Fletcher
Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF SPECIAL MEETING June 19, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Margaret Blain, PT
Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Board Members Absent: Kristie Cochran, PT
Peggy Block, PT

A Special Meeting of the Kentucky State Board of Physical Therapy was called to order by Troy Grubb, Chair, at 11:30 a.m., Tuesday, June 19, 2007, at Board office. A quorum was present.

C2007-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Julee L. Gordon, PTA*. The Board approved the recommendation, seconded by Margaret Blain. The motion carried 2/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue an Order of the Board for three random drug screens within sixty days. The Board approved the recommendation, seconded by Margaret Blain. All in favor 2/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

The Board discussed a question from Janet Golden-Lewis, Director of On-Site Operations, regarding whether it is within the guidelines of the Physical Therapy Practice Act to offer gas cards to patients that can't continue therapy due to the high price of gasoline. KRS 327.070(2)(h) and (l) apply where the inducement to undergo or continue physical therapy treatment for select patients is conditioned upon a payment in kind by the physical therapist of monies for the reimbursement of gasoline/transportation expenses for the alleged purpose of having the patient return for treatment.

Ron Barbato made a motion to adjourn at 12:00 p.m., seconded by Debra Turner. All in favor 4/0.

Respectfully submitted,

Rebecca E. Klusch
Rebecca E. Klusch
Executive Director



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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING May 17, 2007

Board Members Present:	Troy Grubb, PT, Chair Debra Turner, PT Ron Barbato, PT Kristie Cochran, PT Margaret Blain, PT
Board Staff:	Rebecca E. Klusch, Executive Director
Board Agents:	Mark Brengelman, Assistant Attorney General, Board Counsel Brian Fingerson, R.Ph.
Board Member Absent:	Peggy Block, PT
Guests:	Jennifer Baker, PTA Temporary

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, May 9, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 7:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:10 a.m., Thursday, May 17, 2007, at Board Office. A quorum was present.

Motion was made by Debra Turner, seconded by Ron Barbato to approve the minutes as amended of the March 22, 2007, Board Meeting. Motion carried.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.* Oral argument is scheduled for June 19, 2007, at Jefferson County Judicial Center.

C2006-20 Case is ongoing.

C2006-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit by Paul Constante, D.C. and Stephen Boutin, D.C., Dynamic Chiropractic & Rehab. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Order with Settlement Authority. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-02 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-03 Case is ongoing.

C2007-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Show Cause Order with Settlement Authority. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-05 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 Case is ongoing.

C2007-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit by Mark Hines, DC, Campbellsburg Chiropractic. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of an Immediate and Temporary Suspension with Settlement terms. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-09 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-10 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-15 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-16 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-17 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-18 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel and IPTPC, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-22 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send an informative letter referring to KRS 327.020. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-24 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-26 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-27 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-28 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Preliminary Denial of Reinstatement of Licensure due to being disciplined in Ohio with Settlement Authority given to Board Counsel. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-29 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochran. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

Board and Administrative Business

A motion was made by Troy Grubb, seconded Ron Barbato, to grant Bryan Bonzo, PT, an extension until November 1, 2007, to demonstrate compliance to the audit of continued competency per 201 KAR 22:045.

A motion was made by Troy Grubb, seconded Debra Turner, to grant Helen Livingston, PT, an extension until November 1, 2007, to demonstrate compliance to the audit of continued competency per 201 KAR 22:045.

The Board reviewed the email from April Guin and the Board will draft a response stating venipuncture is not a regulated service for which licensure is required and is not addressed in the laws governing the practice of physical therapy in Kentucky as contained in KRS Chapter 327.

A motion was made by Margaret Blain, seconded by Kristie Cochran to elect Debra Turner, Chair and Ron Barbato, Chair Elect for the Fiscal Year beginning July 1, 2007.

A motion was made by Troy Grubb, seconded by Ron Barbato to establish a third personnel position and possibly contract with a temporary agency until the new position is filled. Motion is made.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

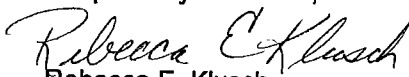
The Board reviewed and approved the year-to-date financial statement.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

A motion was made by Margaret Blain, seconded by Debra Turner, to reschedule the next Board meeting from July 19 to July 18, 2007. The Complaint Committee is scheduled to meet on June 19, 2007 at 1:00 p.m. and July 17, 2007 at 2:00 p.m. KRS 327 revision workshop is scheduled for August 13, 2007, beginning at 9:00 am at The Hyatt Place.

A motion was made by Ron Barbato, seconded by Kristie Cochran, to adjourn the meeting at 3:40 p.m. All in favor 4/0.

Respectfully submitted,


Rebecca E. Klusch
Executive Director



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING March 14 and 22, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Kristie Cochrane, PT
Peggy Block, PT
Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Bill Curley, Investigator
Brian Fingerson, R.Ph.
Cheryl Hawkins, UK Pharmacy Student
Board Member Absent: Margaret Blain, PT

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, March 14, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 7:20 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:10 a.m., Thursday, March 22, 2007, at Board Office. A quorum was present.

Motion was made by Ron Barbato, seconded by Peggy Block to approve the minutes as amended of the January 10-11, 2007, Board Meeting. The motion carried 4/0.

Motion was made by Ron Barbato, seconded by Debra Turner to approve the minutes as amended of the February 26, 2007, Special Board Meeting. The motion carried 4/0.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for violation of 201 KAR 22:053 Section 5(2). The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(b) by violating 201 KAR 22:053 Section 2(2)(a). The Board approved the recommendation, seconded by Peggy Block. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-20 Case is ongoing.

C2006-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to compliance of changing the outdoor display sign by returning the signed 10 day demand letter from Dynamic Chiropractic & Rehab. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 Case is ongoing.

C2007-02 Case is ongoing.

C2007-03 Case is ongoing.

C2007-04 Case is ongoing.

C2007-05 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and order a Fitness for Duty Assessment. The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-08 Case is ongoing.

C2007-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-10 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-11 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-12 The Complaint Committee recommended to the full Board upon summary of the matter, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-13 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Preliminary Denial of Reinstatement of Licensure due to being disciplined in West Virginia with Settlement Authority given to Board Counsel. The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of the IPTPC and counsel, to dismiss due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-15 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a BIC and open an investigation. The Board approved the recommendation, seconded by Ron Barbato. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochrane. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-17 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

Board and Administrative Business

An email from Chris Gales, Bellarmine physical therapist student, wrote the Board for an opinion in developing procedures for an off-site group exercise program. KRS 327.050 (10)(a) shall not prevent a student of physical therapy from engaging in clinical practice that meets the requirements of on-site supervision by a licensed physical therapist.

The Board discussed several emails regarding whether it is within the Scope of Practice to practice "dry needling in Kentucky. KRS 327.010 (1) in defining "Physical Therapy" includes invasive or noninvasive procedures. 201 KAR 22:053 Section 1 (1) states that physical therapist shall practice within the scope of the credential holder's training, expertise and experience.

An email from Sheila Hall, PT request that the Board look into certifying physical therapy aids or techs. The Board referred this question to KPTA/APTA since it is not within the guidelines of KRS 327 and is primarily driven by reimbursement issues.

Email from Tina Volz whether the use of the abbreviation CPT (Certified Personal Trainer) by a person not a licensed physical therapist would be a violation of KRS 327.020. Although "CPT" is not specifically listed as a protected term, the intent of KRS 327.020 would be included as a violation of the protected terms and would potentially be misleading the public since KRS 327.020 does include the specific term "P.T." and "any other words, letters, or abbreviations" which may mislead the public..

The Board discussed questions regarding Medicare reimbursement issues and referred Dave Pariser to CMS regulations.

A motion was made by Ron Barbato, seconded by Debra Turner to accept the revision of the 2007-09 Jurisprudence Exam as submitted by Peggy Block. All in favor 4/0.

The Board discussed an email from Mitch Crabtree, PT regarding CPT codes and that the code 97112 "neuromuscular reeducation of movement..." is not specific to any one profession. 201 KAR 22:053 Section 1 (1)(a) states that if a physical therapist or physical therapist assistant is competent and trained to perform this procedure, there is nothing in KRS 327 that would disallow this procedure from being performed and being billed by or under a licensed physical therapist..

A motion was made by Debra Turner, seconded by Peggy Block, to approve all Board staff to be allowed to receive actual and necessary expenses for meals when traveling for meetings and training per 200 KAR 2:006Section 7 (3)(g). All in favor 4/0.

A motion was made by Debra Turner, seconded by Kristie Cochrane, to pay the Board members a per diem under 201 KAR 22:130 for Board travel days where travel was made to and/or from any official duties approved by the Board under the authority of KRS 327.030(6). All in favor 4/0.

A motion was made by Debra Turner, seconded by Kristie Cochrane, to appoint Ron Barbato as Delegate and Troy Grub as alternate Delegate at the FSBPT on September 7-10 in Memphis; Mark Brengelman to attend the FARB Attorney Certification Seminar on October 5-7 in Charleston SC; and Ron Barbato to attend CLEAR NCIT investigators training May 7-9 in Columbus, OH. All in favor 4/0.

A motion was made by Debra Turner, seconded by Ron Barbato, to extend the 2007-09 Renewal to midnight, April 16, 2007, due to the outages of the State computer server and problems with the payment system when renewing credentials, which were beyond control of the Board. A letter from the Board will be mailed to all licencees who have not renewed by the statutory deadline of March 31, 2007, to inform them of the extension. All in favor 4/0.

A motion was made by Ron Barbato, seconded by Peggy Block, to approve the revision of 201 KAR 22:040 and 020. All in favor 4/0.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, submitted a written report of the KPTA Board meeting.

The year-to-date financial statement was deferred to the next Board meeting.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

Next Board meeting is scheduled for 9:00 am, May 17, 2007, at the Board office with the Complaint Committee meeting on April 17 at 8:30 am and May 9, 2007 at 2:00 pm. KRS 327 revision workshop will be April 16 at 8:30 am.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:40 p.m. All in favor 4/0.

Respectfully submitted,



Rebecca E. Klusch
Executive Director



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Rebecca E. Klusch
Executive Director

MINUTES OF SPECIAL MEETING February 26, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Kristie Cochrane, PT
Peggy Block, PT
Ron Barbato, PT
Margaret Blain, PT
Board Staff: Rebecca E. Klusch, Executive Director
Donna Sims, Licensing Coordinator
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.

A Special Meeting of the Kentucky State Board of Physical Therapy was called to order by Troy Grubb, Chair, at 9:00 a.m., Monday, February 26, 2007, at Springhill Suites by Marriott, 10101 Forest Green Boulevard, Louisville, Kentucky. A quorum was present.

C2007-02 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order of the Board for three random drug screens within sixty days. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-08 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue an Order of the Board for three random drug screens within sixty days. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Ron Barbato made a motion to adjourn at 9:35 a.m., seconded by Kristie Cochrane. All in favor 5/0.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING January 10-11, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Margaret Blain, PT
Kristie Cochrane, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.
Jack Nicholson, UK Pharmacy Student

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 4:00 p.m., Wednesday, January 10, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 7:20 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:20 a.m., Thursday, January 11, 2007, at Board Office. A quorum was present.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the November 15-16, 2006, Board Meeting. The motion carried 5/0.

A letter was submitted by Steven Lacy, Public Member, announcing his resignation due to health problems. The Executive Director will contact the Governor's office for a new appointment. The Board unanimously remarked on the excellent service rendered by Mr. Lacy during his long tenure as a Public Member.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Shayne Ferguson, P.T.* The Board approved the recommendation, seconded by Ron Barbato. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting. Margaret Blain was appointed as monitor.

C2006-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Phyllis Robinson, PTA.* The Board approved the recommendation, seconded by Kristie Cochrane. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2006-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss the case due to insufficient evidence to support a violation of KRS Chapter 327. The Board approved the recommendation, seconded by Ron Barbato. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-11 The Complaint Committee reported that the Respondent signed, dated and returned the Private Admonishment. Case is closed.

C2006-14 Case is ongoing.

C2006-15 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Tristin Thompson, D.C., and Craig Fennell, D.C., Healing Hands Chiropractic Center. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-17 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Vance True, D.C., True Chiropractic Center. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss the case due to insufficient evidence to support a violation of KRS Chapter 327. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Motion made by the Complaint Committee, seconded by Margaret Blain to rescind the above action due to new information and the case is ongoing. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Stephen Chambers, M.D., Chambers Medical Group. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send a 10 day demand letter to Dynamic Chiropractic & Rehab to conceal the large "Physical Therapy" sign on the outside of the building or to employ a physical therapist. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2007-02 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2007-03 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC 2007-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, and Bruce Taylor, PT.

Brian Fingerson made a report on the IPTPC. CAPTASA seminar is January 26-27, 2007.

Board and Administrative Business

It is noted that the Board concluded that the intent of KRS 327, 201 KAR 22:020(1) is that a temporary permit be issued to an applicant who is under the supervision of a Kentucky licensed physical therapist where the language of the regulation requires a licensed physical therapist.

The Board also noted that both PTs and PTAs may include hours as a Clinical Instructor as continued competency credits.

A motion was made by Peggy Block, seconded by Margaret Blain to repeal 201 KAR 22:040 Section 3, Inactive Status and amend Section 4. All in favor 5/0.

A motion was made by Ron Barbato, seconded by Kristie Cochrane to repeal 201 KAR 22:020 Section 6 and 7, Temporary Permit, and to amend 201 KAR 22:070 to change temporary license to a provisional license. All in favor 5/0.

A draft of the 2007-09 Jurisprudence Exam was submitted by Peggy Block for discussion. The final version will be submitted at the next Board meeting for approval.

Other Board Matters

Ron Barbato reported that the KPTA RFP (Referral for Profit) task force has not met.

Margaret Blain, liaison to the KPTA, reported that the KPTA has not met.

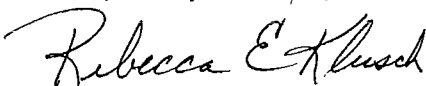
The Board reviewed and approved the year-to-date financial statement.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

Next Board meeting is scheduled for 9:00 p.m., March 15, 2007, at the Board office with the Complaint Committee meeting at 4:00 a.m. on March 14, 2007.

A motion was made by Ron Barbato, seconded by Margaret Blain, to adjourn the meeting at 4:30 p.m. All in favor 5/0.

Respectfully submitted,



Rebecca E. Klusch
Executive Director